

Application No. 10/656,828  
Amendment dated  
Reply to Office Action of June 19, 2007

5

Docket No.: S1459.70060US00

### REMARKS

In response to the Office Action mailed June 19, 2007, Applicant respectfully requests reconsideration. To further the prosecution of this application, each of the rejections set forth in the Office Action has been carefully considered and is addressed below. The claims as presented are believed to be in condition for allowance.

Claims 1-8 were previously pending in this application. No claims are amended, added, or cancelled. As a result, claims 1-8 remain pending for examination, with claims 1, 6, 7 and 8 being independent. No new matter has been added.

#### Claim Rejections Under 35 U.S.C. §102

Claims 1-8 are rejected under 35 U.S.C. §102(b) as purportedly being anticipated by U.S. Patent No. 5,510,831 to Mayhew ("Mayhew"). Applicant respectfully traverses this rejection, as Mayhew fails to satisfy all of the limitations recited by the independent claims.

#### A. Claims 1-5

Claim 1 recites an image processing apparatus comprising: first detecting means for detecting image pairs each taken in a continuous shooting mode among a plurality of images; second detecting means for detecting image pairs each taken consecutively within a predetermined time among the plurality of images; presenting means for presenting, to a user, said image pairs detected by at least one of said first detecting means or said second detecting means; and generating means for setting one of two images comprising a selected image pair selected by the user among said image pairs presented by said presenting means as an image for the left eye and the other one of two images as an image for the right eye, and generating image data for displaying a stereoscopic image.

Mayhew fails to satisfy several of the limitations recited by claim 1. For example, Mayhew does not disclose or suggest (1) a second detecting means for detecting, among a plurality of

1235578.1

Application No. 10/656,828

6

Docket No.: S1459.70060US00

Amendment dated

Reply to Office Action of June 19, 2007

images, image pairs each taken consecutively within a predetermined time, or (2) generating means for setting one of two images as an image for the left eye and an other one of two images as an image for the right eye.

Mayhew discloses a technique for creating stereoscopic images which includes acquiring first and second image frames from at least two different points of view, and creating an image frame-by-image frame composite of the two perspectives that includes a portion of an image captured from a first perspective transposed on to a corresponding image captured from the second perspective (Abstract). Specifically, Mayhew discloses that a pair of orthogonally oriented cameras 1 and 3 (Fig. 1) concurrently acquire separate images of a scene, and that these images are recorded as synchronized successions of image frames in recorders 1a and 3a (col. 3, lines 53-57). The recorded image frames are fed in parallel to a video effects device, which digitizes and manipulates the scene images (col. 4, lines 8-16). In particular, video switcher 15 (Fig. 2) extracts a portion of each image frame acquired by one of the cameras (e.g. camera 3), and transposes this portion on to a corresponding portion of an image frame shot by the other camera (e.g., camera 1)(col. 4, lines 43-49). The result is a series of composite image frames that include an image portion from each camera (col. 4, lines 49-55).

The result of this processing is illustrated by the eight consecutive composite image frames shown in Figs. 3(a)-3(h). Specifically, in each of frames 1-8 the letter A indicates a portion of an image frame acquired by camera 1, and letter B represents a portion of a corresponding image acquired by camera 3 which is transposed by video switcher 15 on to the image captured by camera 1 (col. 4, lines 59-63). The position of partial image B in the overall image frame is shifted from frame to frame, such that partial image B progresses or scans through the images A diagonally from upper left to lower right and back to upper left of the composite image frames (col. 5, lines 1-8).

Mayhew fails to satisfy the limitations of claim 1 for at least two reasons. First, Mayhew does not disclose or suggest a detecting, among a plurality of images, image pairs that are each taken consecutively within a predetermined time, as required by claim 1. As discussed above, Mayhew discloses that separate images of a scene are concurrently acquired by cameras 1 and 3.

1235576.1

Application No. 10/656,828  
Amendment dated  
Reply to Office Action of June 19, 2007

7

Docket No.: S1459.70060US00

Mayhew also does not disclose or suggest setting one of the two images as an image for the left eye and the other one of the two images as an image for the right eye, as required by claim 1. As discussed above, Mayhew discloses generating a single composite image, including portions acquired by each of cameras 1 and 3, which is intended to be viewed with both eyes. Mayhew says nothing at all relating to setting one image as an image for the left eye, and another image as an image for the right eye.

For each of the foregoing reasons, claim 1 patentably distinguishes over Mayhew, such that the rejection of claim 1 under 35 U.S.C. §102(b) as purportedly being anticipated by Mayhew should be withdrawn. /

Claims 2-5 depend from claim 1 and are allowable for at least the same reasons.

B. Claim 6

Claim 6 recites an image processing method comprising, *inter alia*, a second detecting step for detecting image pairs each taken consecutively within a predetermined time among a plurality of images; and a generating step for setting one of two images as an image for the left eye and the other of two images as an image for the right eye. It should be appreciated from the discussion above relating to claim 1 that Mayhew fails to disclose or suggest an image processing method comprising either the second detecting step or the generating step. As a result, claim 6 patentably distinguishes over Mayhew, such that the rejection of claim 6 under 35 U.S.C. §102(b) as purportedly being anticipated by Mayhew should be withdrawn.

C. Claim 7

Claim 7 recites a computer readable medium on which is recorded a computer executable program which, when executed, performs a method comprising, *inter alia*, the second detecting step and generating step discussed above with reference to claim 6. It should be appreciated from the discussion above that Mayhew fails to satisfy these limitations of claim 7. As a result, claim 7

1236576.1

Application No. 10/656,828  
Amendment dated  
Reply to Office Action of June 19, 2007

8

Docket No.: S1459.70060US00

patentably distinguishes over Mayhew, such that the rejection of claim 7 under 35 U.S.C. §102(b) as purportedly being anticipated by Mayhew should be withdrawn.

D. Claim 8

Claim 8 recites a computer readable medium on which is recorded a computer executable program which, when executed, performs a method comprising, *inter alia*, the second detecting step and generating step discussed above with reference to claim 6. It should be appreciated from the discussion above that Mayhew fails to satisfy these limitations of claim 8. Accordingly, claim 8 patentably distinguishes over Mayhew, such that the rejection of claim 8 under 35 U.S.C. §102(b) as purportedly being anticipated by Mayhew should be withdrawn.

1235576.1

Application No. 10/656,828  
Amendment dated  
Reply to Office Action of June 19, 2007

9

Docket No.: S1459.70060US00

**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated:

Respectfully submitted,

**DRAFT**

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